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18 AND REHABILITATION SERVICES, INC.
19 d/b/a GOLDEN LIVINGCENTER-PETALUMA

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 ANDREW CARR,

23 Plaintiff,

24 v.

25 BEVERLY HEALTH AND
26 REHABILITATION SERVICES, INC. d/b/a
27 GOLDEN LIVINGCENTER-PETALUMA
28 and DOES 1-10,

Defendants.

CASE NO. : CV 12 2980

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE

Date Filed: June 8, 2012
Trial: Not Set

The parties hereby stipulate as follows:

WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to Dismiss Pursuant to F.R.C.P. 12(B)(6) ("Motion to Dismiss"), which has been fully-briefed by all parties;

1 WHEREAS, on February 27, 2013, prior to the Court conducting a hearing on the Motion
 2 to Dismiss, the parties engaged in private mediation with Mr. Michael Loeb at JAMS in San
 3 Francisco. In addition to Plaintiff Andrew Carr's individual claims, the parties are mediating
 4 Plaintiff's class action claims. During the mediation, progress was made but the parties were
 5 unable to settle the case. The parties, however, have continued to exchange information and
 6 engage in settlement discussions.
 7

8 WHEREAS, the parties have stipulated and agreed that additional time is necessary to
 9 exchange supplementary documentation and review and analyze this information in anticipation of
 10 engaging in continual settlement discussions. The parties intend to schedule a follow-up session
 11 with Mr. Loeb after the necessary information and documents have been exchanged.
 12

13 IT IS THEREFORE STIPULATED AND AGREED that the hearing on the Motion to
 14 Dismiss shall be removed from the Court's calendar. Counsel for Defendant shall re-notice this
 15 hearing if the parties are unable to resolve this matter. The parties further stipulate and agree that
 16 the Case Management Conference shall be continued until June 27, 2013 at 9:00 a.m. in
 17 Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The parties shall
 18 file a Joint Case Management Statement at least one week prior to the Case Management
 19 Conference.
 20

21 **IT IS SO STIPULATED.**

22 Respectfully submitted,

23
 24 Date: April 11, 2013

NORTH BAY LAW GROUP

25 By /s/
 David S. Harris

26 Attorneys for Plaintiff
 27 ANDREW CARR
 28

1 Date: April 11, 2013

DINSMORE & SHOHL LLP

2 By /s/
3 Carly Chu

4 Attorneys for Defendant
5 BEVERLY HEALTH AND
6 REHABILITATION SERVICES, INC.

7
8 **IT IS HEREBY ORDERED AS FOLLOWS:**

9 The hearing on the Motion to Dismiss is continued until counsel for Defendant re-notices
10 this Motion for the Court. The hearing for the Case Management Conference is continued until
11 June 27, 2013 at 9:00 a.m. in Courtroom 5. The parties shall file a Joint Case Management
12 Statement at least one week prior to the Conference.
13

14 DATED: April ¹²__, 2013

